

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KEVIN R. MITCHELL,

Plaintiff,

-against-

PARK ELECTROCHEMICAL CORP., et al.

Defendant.

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ORDER

05CV-5316(DRH) (ARL)

HURLEY, District Judge:

Presently before the Court is the Report and Recommendation, dated May 2, 2007, of Magistrate Judge Arlene R. Lindsay. In that Report and Recommendation, Magistrate Lindsay recommends that the instant action be dismissed pursuant to Fed. R. Civ. P. 25(a) as more than ninety days have passed since counsel for plaintiff filed a Suggestion of Death Upon the Record as to the plaintiff, Kevin Mitchell. Counsel for plaintiff was served with a copy of the Report and Recommendation. More than ten days have elapsed since service of the Report and Recommendation, and neither party has filed any objections to it.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the May 2, 2007 Report and Recommendation of Judge Lindsay as if set forth herein.

The Court therefore directs that this action be dismissed pursuant to Rule 25(a) of the Federal Rules of Civil Procedure. The Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: Central Islip, N.Y.
May 21, 2007

/s/

Denis R. Hurley,
United States District Judge